

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

MAY 12 2009

JOHN F. CORCORAN, CLERK
BY: 
DEPUTY CLERK

UNITED STATES OF AMERICA)	Criminal Case No. 5:05cr00007-8
)	
v.)	2255 FINAL ORDER
)	
)	By: Samuel G. Wilson
JOSE MANUEL ZALDIVAR-FUENTES)	United States District Judge

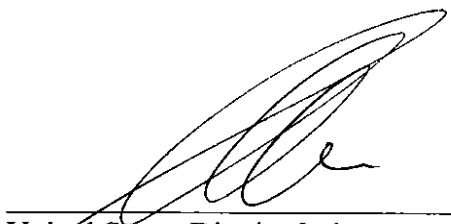
For the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED and ADJUDGED

that Zaldivar-Fuentes's motion (Docket #276) is **CONSTRUED** as a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255 and the Clerk is directed to file the motion as such; the § 2255 motion shall be and hereby is **DISMISSED** without prejudice as successive; and the case is hereby **STRICKEN** from the active docket.

The Clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to the parties.

ENTER: This 12th day of May, 2009.



United States District Judge